

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CLARINDA POLIN, as an individual and as  
the personal representative of the Estate of  
David Polin,

Plaintiff,

ORDER

v.

Civil No. 05-1382-ST

JOAN PALMATEER, Institutions  
Administrator of the Oregon State  
Penitentiary; BRIAN BELLEQUE,  
Superintendent of the Oregon State  
Penitentiary; JOHN DOES, prison guards at  
the Oregon State Penitentiary; and JASON  
VAN BRUMWELL,

Defendants.

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HAGGERTY, Chief Judge:

Magistrate Judge Stewart referred to this court a Findings and Recommendation in this action [39]. The Findings and Recommendation recommends dismissing the matter for lack of

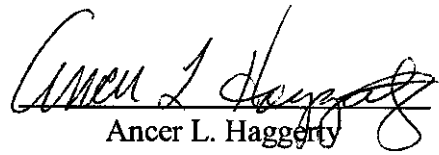
prosecution or, in the alternative, granting summary judgment in favor of defendants Palmateer and Belleque, with immediate entry of judgment under Federal Rule of Civil Procedure 54(b).

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B). *See also* Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974).

This court has examined the pleadings, motions, and underlying record. No clear error appears on the face of the record. The Findings and Recommendation is, therefore, adopted. This matter is dismissed with prejudice for lack of prosecution.

IT IS SO ORDERED.

DATED this 18 day of December, 2007.

  
Ancer L. Haggerty  
United States District Judge